

**UNITED STATES DISTRICT COURT DISTRICT
DISTRICT OF NEW JERSEY
CAMDEN DIVISION**

DAUD M. PANAH, M.D., MINA PANAH,

Plaintiffs,

vs.

**NANCY BEALL, ATLANTIC COUNTY
SPCA, HUMANE SOCIETY OF ATLANTIC
COUNTY, ATLANTIC COUNTY ATLANTIC
COUNTY PROSECUTOR DAMON G.
TYNER, AND JOHN DOE 1-100;**

Defendants.

No.

CIVIL ACTION

I. INTRODUCTION

1. Plaintiffs, Daud M. Panah, M.D. and Mina Panah file the within Complaint against the Defendants for violation of their Civil Rights, pursuant to 42 U.S.C. §1983 *et seq.* (also known as the "Ku Klux Klan Act"), NJ Rev Stat § 10:1, *et seq.* (2014) (also known as the New Jersey Civil Rights Act) as well as various. The Plaintiffs also file various State law claims for torts committed by the Defendants.

II. JURISDICTION and VENUE

2. This Court has jurisdiction of this cause pursuant to 28 U.S.C. § 1331 and 42 U.S.C. §1983.

3. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201, 2202.

4. Damages and attorney fees are sought pursuant to 42 U.S.C. §1983, *et seq.*

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6. Plaintiffs bring their cause of action pursuant to 42 U.S.C. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:1-1, *et seq.* to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States, Constitution of New Jersey.

III. PARTIES

7. Plaintiff, Daud M. Panah, M.D. is a naturalized American citizen who was born in Afghanistan and now reside in Galloway Township, New Jersey in Atlantic County;

8. Plaintiff, Mina Pana is a naturalized American citizen who was born in Afghanistan and now reside in Galloway Township, New Jersey in Atlantic County;

9. Defendant, Nancy Beall is a resident of 229 Asbury Rd Egg Harbor Township, New Jersey in Atlantic County;

10. Defendant, Atlantic County Society for the Prevention of Cruelty to Animals Inc. (hereinafter "Atlantic County SPCA") is a quasi-governmental agency operated by Defendant, Nancy Beall with an office at 229 Asbury Road, Egg Harbor Township, New Jersey in Atlantic County;

11. Defendant, Humane Society of Atlantic County, is a subsidiary of Defendant Atlantic County SPCA and was vested with law enforcement authority pursuant to New Jersey statutes with its principal office located at 1401 Absecon Blvd, Atlantic City, New Jersey, County of Atlantic;

12. Defendant Atlantic County Prosecutor, Damon G. Tyner, was at all times relevant to this complaint the chief law enforcement officer for Atlantic County with the legal authority to oversee any law enforcement action within Atlantic County and has an office located at 4997 Unami Blvd., Suite 2, Mays Landing, New Jersey, County of Atlantic;

IV. FACTS

13. At all times relevant to this Complaint, Defendant, Nancy Beall was the president, agent, and acting force of Defendant, Atlantic County SPCA and Defendant, Humane Society of Atlantic County;

14. At all times relevant to this Complaint, Defendant, Nancy Beall was not authorized by law to investigate incidents of animal cruelty or enforce animal cruelty laws or issue summonses as she had not completed "HLEO" training for Animal Control Officer or Animal Cruelty Investigator;

15. Plaintiffs, Dr. Daud M. Panah and Mina Panah own a farm in Galloway Township in Atlantic County;

16. On or about December 2017, Defendant, Nancy Beall came onto Plaintiffs' property located in Galloway Township;

17. Defendant, Nancy Beall represented that she was acting on behalf of Defendant, Atlantic County SPCA and Defendant, Humane Society of Atlantic County and as a duly authorized law enforcement officer;

18. Defendant, Nancy Beall asked Plaintiff, Dr. Panah if he was from "Egypt";

19. Plaintiff, Dr. Panah advised Defendant Beall that he was an American citizen but was born in Afghanistan;

20. Defendant, Nancy Beall told Dr. Panah that she observed a Rottweiler dog on his property which appeared to have a broken leg and was left unattended;

21. Plaintiff, Dr. Panah explained that the dog did not belong to him and that he was not responsible for the dog;

22. Defendant, Nancy Beall observed five (5) more dogs on the property which were healthy and well fed;

23. Defendant, Nancy Beall, acting under the color of law, threatened Dr. Panah that she would file an animal cruelty complaint if he did not take the injured dog to a Veterinarian;

24. Plaintiff, Dr. Panah immediately took the injured dog to the Atlantic County Animal Shelter to satisfy Defendant Beall, and to avoid any possibility that a summons would be issued;

25. Based on information and belief, Defendant Beall went to the shelter and took possession of the Rottweiler after it was treated;

26. Defendant Beall refused to disclose what happened to this dog;

27. Despite the fact that Plaintiff, Dr. Panah did not own the dog, Defendant Beall filed Summons No. 0111-PC-2018-002492, alleging that Plaintiff owned the dog and had committed an act of animal cruelty contrary to N.J.S.A. 4:22-1707;

28. Defendant Beall used the faux allegation of animal cruelty to extort \$1,555.00 from Plaintiff, Dr. Panah which she purported represented the cost of the veterinarian's bills;

29. Defendant Beall forced Plaintiff, Dr. Panah to surrender possession of all six of the dogs (without compensation) so that she would hold the case open to allow her to monitor his farm animals with the promise that she would dismiss the case at the end of 6 months;

30. Despite the fact that Defendant Beall took possession of the six dogs, and cashed the \$1,555.00 donation check, she began making regular unannounced intrusive visits to the farm;

31. The purpose of the visits was to frighten Plaintiff, Dr. Panah and his wife, Plaintiff, Mina Panah and their children;

32. Defendant Beall came and went on Plaintiffs' property as she pleased, sometimes twice a day;

33. Defendant Beall took up-close pictures and tried to intimidate the caretakers and Dr. Panah's family members;

34. Defendant Beall refused to turn over these pictures to the municipal prosecutor as part of the discovery related to the charges she filed against Plaintiff, Dr. Panah;

35. Plaintiff, Dr. Panah advised Defendant Beall she was invading the privacy of his family, personally attacking him because of his race, and otherwise attempting to hurt him;

36. Plaintiff, Dr. Panah further advised Defendant Beall that she maliciously filed the animal cruelty dog complaint against him despite having no proof that the dog belonged to him;

37. After, Plaintiff, Dr. Panah expressed his annoyance, Defendant Beall reneged on her agreement and told the Court to re-list the case for trial;

38. Defendant Beall retaliated by filing an additional complaint relating to one of the male miniature donkeys;

39. Despite filing charges against Plaintiff, Dr. Panah, Defendant Beall failed to appear in Court several times and all charges were dismissed on or about November 8, 2018;

40. Defendant Atlantic County Prosecutor, Damon G. Tyner by virtue of his appointed position had the legal authority and

duty to train, supervise and discipline persons such as Defendant, Nancy Beal and persons operating on behalf of Defendant, Atlantic county SPCA and Defendant, Humane Society of Atlantic County;

41. Despite the fact that all charges were dismissed, Defendant Beall took to FaceBook and posted the following false and defamatory comments on a page associated with Defendant, Atlantic County SPCA:



42. The post identified Plaintiffs, Plaintiffs' address, name (spelled incorrectly), and profession;

43. Defendant Beall's post succeeded in obtaining the following negative comments:

A.



Kim Sloan - DaPrato Post this on his office page! What a horrible person!

Like · Reply · 4w



(7)

B.



Janet Winder Why can't anyone monitor the abuse and why aren't the police acting on code blue?
Flood the station w calls and call a higher authority there should be deputy in Trenton

Like · Reply · 4w



C.



Kathy McGuire Call animal cruelty expert for livestock Stu Goldman 732 687 2359.

Like · Reply · 4w



D.



Beth Lyons Did you issue him a citation nancy Nancy ? He needs to be prosecuted

Like · Reply · 4w

E.



Sherrie Lynne The proper spelling of the persons name is Daud Panah and his wife's name is Mina Panah. They are the people that own the property

Like · Reply · 4w · Edited



F.



Ellen Loughney Is this the doctor who tied an animal (maybe a goat?) to a tree without food or water? Not tied like a leash... but trussed up like summer vacation luggage to a station wagon roof. He was in Galloway Municipal Court for animal cruelty on that charge but I never heard the outcome.

Like · Reply · 4w · Edited



↪ 6 Replies

(8)

G.



Beth Lyons Ellen Loughney iit's abuse and he needs to go to jail and have the animals confiscated immediately !

Like · Reply · 4w

H.



Sheila Oliva Put the owners outside for a few days see how they like it

Like · Reply · 4w



I.



Maria Loza Call the police !!!



Like · Reply · 4w

J.



Rosemary Haines I'm sharing this, hopefully somebody can help those poor animals!!

Like · Reply · 4w



K.



Gina Goetschius Steve Keeley FOX 29 here's another one - Owned by a Dr in Galloway Twp !

Like · Reply · 4w

L.



Cheryl Yee-herman Where does this so called Dr. practice?

Like · Reply · 4w

(9)

M.



Kathy McGuire

<https://www.state.nj.us/.../2011/approved/press110913.html>

here you go contact this state vet. after you fill out the form do an OPRA request to get a COPY of what the state vet wrote as a violation. Remember Dept of Ag does the inspection of livestock and gives their report of violations to the now local HLEO and/or police and/or prosecutor. Good luck!

Like · Reply · 4w · Edited

N.



Patty Daisey SPCA can use binoculars and cameras. If this is known, it is reportable with reason for warrant. People can picket his business etc .

...

Like · Reply · 4w

O.



Barbara Lacy Please post comments on the Galloway Police department Facebook page. I just did.

...

Like · Reply · 4w

P.



Karen Par Parker i am not in this area but will share with as many as possible

...

Like · Reply · 4w

Q.



Beth Lyons Why aren't you issuing them a citation and seizing the animals ?

...

Like · Reply · 4w

R.

(10)



Kristine Mays I'm sorry ... you are a ASSHOLE if you do this to a animal & you should go to jail !!!! ..

Like · Reply · 4w · Edited



S.



Ann Marie Morrison Posting name and address is very unprofessional. You are inviting the public to harass these people even if they are guilty, it's inappropriate for a public office.

Like · Reply · 4w



T.



Amanda Hewitt This is ridiculous. Police have been there (according to above) and the animals have adequate shelter, food, water, and care. Stop smearing people for likes. Disgusting. You owe this man an apology for harassment.

Like · Reply · 4w · Edited



U.



Kathryn Hadala That's terrible, how about we take these animals away from him, or at least confront him. Picket in front of his house and business ...

Like · Reply · 4w



V.



Donna Brewer Pelham The owner needs to give up those animals the jail for him

Like · Reply · 4w

W.



Sunny Mawhinney I believe he also had Alpacas at one time and they starved to death..😞

Like · Reply · 4w

👉 1 Reply

43. To further incite her FaceBook followers with false, xenophobic and Islamophobic information, Defendant Beall posted:



Nancy Beall it is Dr Panah owns many properties, he is from Egypt

Like · Reply · 4w



44. Defendant Beall uses the Atlantic County SPCA FaceBook page to solicit donations;

45. Defendant Beall used her personal FaceBook to defame and intimidate the Plaintiffs with posts such as:



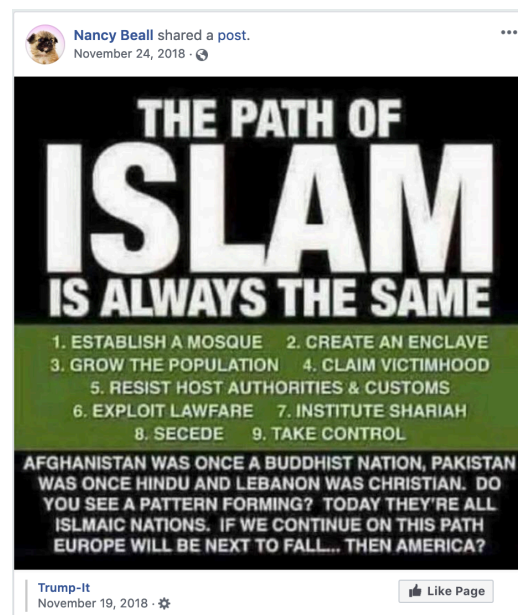
(12)

46. Upon investigation, Defendant Beall has posted numerous Islamophobic comments on her personal FaceBook page, including the following:

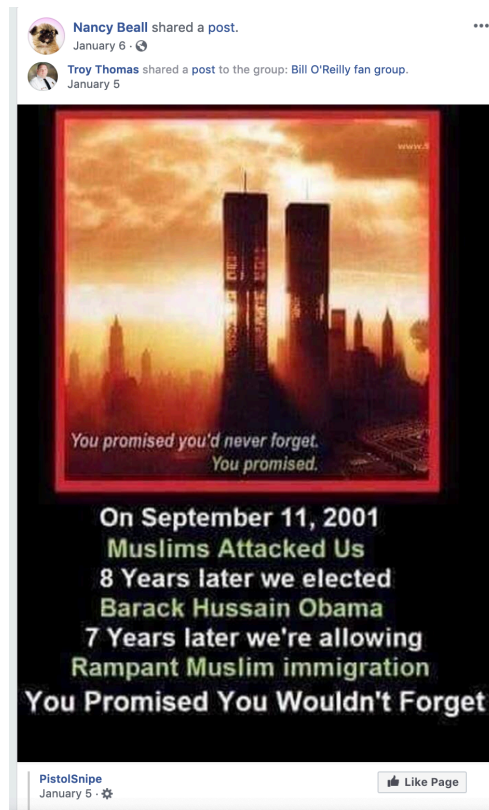
A.



B.



C.

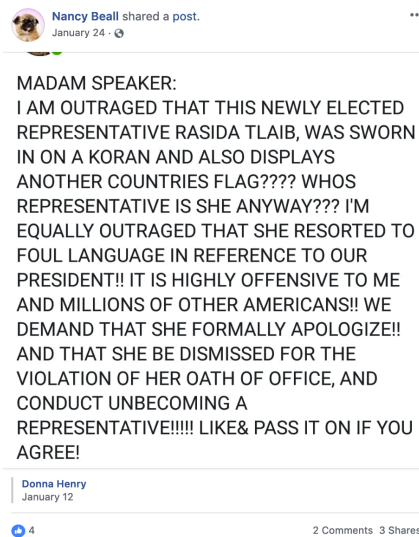


D.



(14)

E.



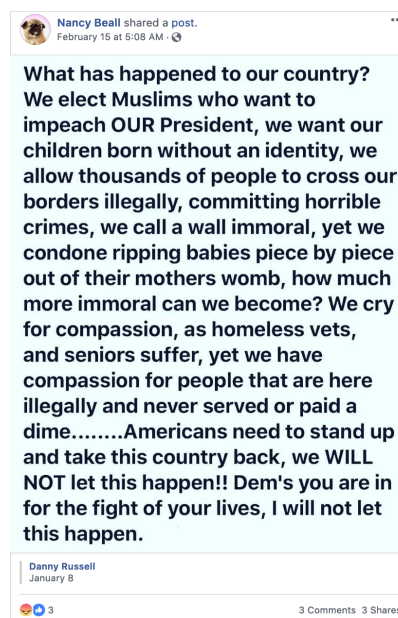
F.



G.



H.



(16)

47. In addition to posting accusations that Plaintiffs leave their farm animals outside, Defendant Beall also posted the following inflammatory posts which was designed to incite violence against people like the Plaintiffs despite the fact that all charges were dismissed against Plaintiff, Dr. Panah:



48. Defendant, Nancy Beall's posts of false allegations of animal abuse and cruelty on FaceBook denying the Plaintiffs an opportunity to defend themselves in Court;

49. The actions of Defendant, Nancy Beall were a high-tech lynching of the Plaintiffs because their religion and country of origin;

50. Defendant, Nancy Beall, Defendant Atlantic County SPCA and Defendant, Humane Society of Atlantic County operated under

the color of law despite Defendant Beall's lack of authority and the open and obvious nature of Ms. Beall's xenophobic, anti-Muslim and racist opinions, comments and actions;

51. Defendant Atlantic County Prosecutor, Damon G. Tyner turned a blind eye to the action of Defendant, Nancy Beall;

52. Defendant Atlantic County Prosecutor, Damon G. Tyner permitted Defendant Beall to issue summonses such at the summonses issued to Plaintiff, Daud M. Panah, M.D. despite the fact that Defendant Beall had not completed "HLEO" training for Animal Control Officer or Animal Cruelty Investigator;

53. Defendant Atlantic County Prosecutor, Damon G. Tyner did not discipline Defendant, Nancy Beall for issuing summonses without the requisite legal authority;

54. Defendant Atlantic County Prosecutor, Damon G. Tyner did not prevent Defendant, Nancy Beall from issuing summonses without the requisite legal authority;

55. Defendant Atlantic County Prosecutor, Damon G. Tyner supervise Defendant, Nancy Beall despite the fact that she openly posted xenophobic, racist and Islamaphobic comments on Facebook;

V. CAUSES OF ACTION

COUNT I

(Violation of 42 U.S.C.A. §1983 and NJ Rev Stat § 10:6-1 (2013))

55. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein.

56. Defendants, Nancy Beall, Atlantic County SPCA, Atlantic County, Defendant, Humane Society of Atlantic County, Defendant Atlantic County Prosecutor, Damon G. Tyner and John Doe 1-10 violated 42 U.S.C.A. §1983 and NJ Rev Stat § 10:6-1 (2013) by violating Plaintiffs, Daud M. Panah, M.D. and Mina Panah's civil rights and statutory rights as referenced herein;

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT II

(Failure to Act - "policy of inaction" is the functional equivalent of a decision by the County itself to violate the Constitution)

57. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein.

58. Defendant Atlantic County Prosecutor, Damon G. Tyner failed to act to prevent Defendant, Nancy Beal from acting as a law enforcement agent using social media, including FaceBook to violate the Constitutional rights of citizens such as the Plaintiffs;

59. Defendant Atlantic County Prosecutor, Damon G. Tyner permitted Defendant, Nancy Beal to discriminate, defame, deny due process and violate the Constitutional rights of citizens such as the Plaintiffs;

60. Defendant Atlantic County Prosecutor, Damon G. Tyner's policy of inaction was so pervasive that it was the functional equivalent of a decision by Defendant Atlantic County Prosecutor, Damon G. Tyner himself to violate the Constitution;

61. Defendant Atlantic County Prosecutor, Damon G. Tyner turned a blind eye to the unconstitutional actions Defendant, Nancy Beal despite the fact that these actions were certain to violate the Constitutional rights of citizens such as the Plaintiffs;

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT III

**(Failure to Train, Supervise and/or Discipline pursuant to
Monell v. Department of Social Services of The City Of New York,
et al.)**

62. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein;

63. At all times relevant, Defendant Atlantic County Prosecutor, Damon G. Tyner had a duty to Train, Supervise and/or Discipline Defendant, Nancy Beall and turned a blind eye to the unconstitutional conduct of Defendant Beall, demonstrating a deliberate indifference to the known Constitutional rights and protections afforded to the Plaintiffs;

64. Defendant Atlantic County Prosecutor, Damon G. Tyner had a duty to Train, Supervise and/or Discipline Defendant, Nancy Beall it was substantially certain that her actions would violate the Constitutional protections afforded to Citizens based on their ethnicity, national origin and/or religion;

65. As a result of the aforementioned failures of Defendant Atlantic County Prosecutor, Damon G. Tyner, Plaintiffs' Constitutional rights and protections were violated by Defendant Beall;

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT IV

(Defamation per se)

66. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein;

67. Defendant, Nancy Beall posted comments on FaceBook about the Plaintiffs that were defamatory per se, specifically alleging that they committed acts of animal cruelty;

WHEREFORE, plaintiffs request that this Court:

1. Presumed damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT V

(Malicious Prosecution)

68. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein.

69. Defendants, Nancy Beall, Defendant, Atlantic County SPCA, Defendant, Humane Society of Atlantic County, Defendant Atlantic County Prosecutor, Damon G. Tyner and John Doe 1-10 maliciously prosecuted Plaintiff, Daud M. Panah, M.D. because of his ethnicity and religion, lacking facts to substantiate a case in Court and lacking the legal authority to do so.

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT V

(Extortion)

70. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein.

71. Defendants, Nancy Beall, extorted money from the Plaintiffs under the color of law and for the benefit of

Defendant, Atlantic County SPCA, Defendant, Humane Society of Atlantic County.

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

COUNT VI

(Conversion)

72. Plaintiffs, Daud M. Panah, M.D. and Mina Panah incorporate the aforementioned paragraphs as if set forth at length herein.

73. Defendants, Nancy Beall, seized dogs from the Plaintiffs under the color of law and converted them for her personal benefit and for the benefit of Defendant, Atlantic County SPCA, Defendant, Humane Society of Atlantic County.

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Compensatory damages; and
2. Attorney fees; and
3. Costs; and
4. Whatever relief this Court deems appropriate.

VI. DEMAND FOR A JURY TRIAL

Pursuant to Rule 38, Plaintiffs, Daud M. Panah, M.D. and Mina Panah demand a trial by a jury.

VII. DESIGNATION OF TRIAL COUNSEL

Plaintiffs, Daud M. Panah, M.D. and Mina Panah designate Edward Harrington Heyburn, Esq. as trial counsel.

Law offices of
Edward Harrington Heyburn, Esq.
Attorney for Plaintiffs,
Daud M. Panah, M.D. and Mina Panah

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Dated: March 28, 2019